

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY A. PATE,

Plaintiff,

No. CIV S-04-1201 FCD DAD P

vs.

SACRAMENTO COUNTY  
SHERIFF'S DEPUTIES, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On November 2, 2007, the court issued a scheduling order setting dates for the filing of pretrial statements, for pretrial conference and for trial. Pending before the court are several motions, including defendant's motion for summary judgment, or in the alternative, motion to dismiss for failure to exhaust administrative remedies, and two motions to compel discovery. On July 21, 2008, plaintiff filed a document styled, "Plaintiff's Status Report/Motion for extension of time to file Pre-trial Statement." Plaintiff indicates that he is not prepared to file his pretrial statement at this time. Defendant Garcia does not oppose the granting of an extension of time for the filing of pretrial statements. Because the dispositive motions may narrow the issues in this action, the court will grant plaintiff's request and vacate dates for the filing of pretrial statements, and for the pretrial conference and trial.

1 On July 21, 2008, plaintiff filed his fifth motion requesting the appointment of  
2 counsel. As the court explained in its order, filed on June 27, 2007, the court lacks authority to  
3 require counsel to represent indigent prisoners in § 1983 cases. The court also finds that plaintiff  
4 has not demonstrated exceptional circumstances that would warrant a request for voluntary  
5 assistance of counsel.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's July 21, 2008 motion for an extension of time is granted;
- 8 2. The following dates in the court's scheduling order, filed on November 2,  
9 2007, are vacated: July 25, 2008 deadline for plaintiff to file his pretrial statement and motion to  
10 obtain the attendance of witnesses at trial; August 1, 2008 deadline for defendant Garcia to file  
11 his pretrial statement; August 8, 2008 pretrial conference; and September 23, 2008 jury trial  
12 before the Honorable Frank C. Damrell, Jr.; and
- 13 3. Plaintiff's July 21, 2008 motion for the appointment of counsel is denied.

14 DATED: August 4, 2008.

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17 DALE A. DROZD  
18 UNITED STATES MAGISTRATE JUDGE

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